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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,477	07/11/2003	Steven Roy Lipscomb	320400-00004	3454

52396 7590 06/30/2006

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EXAMINER
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COLLINS, DOLORES R

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/617,477	<b>Applicant(s)</b> LIPSCOMB ET AL.	
	<b>Examiner</b> Dolores R. Collins	<b>Art Unit</b> 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,5,7,9-13,22-26 and 28-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7,9-13 and 31-40 is/are allowed.
- 6) ☒ Claim(s) 1,3,5,22-26, 28-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

Examiner acknowledges response by applicant's representative received 6/8/06.

Examiner further acknowledges the addition claim 40.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 26 & 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Flannery (393).

Flannery discloses a Casino Game.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 5, 11-13, 24-26 & 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flannery in view of Shaw (122).

Regarding claims 1, 11-13, 26 & 30

Flannery teaches a table, an opaque tabletop, a dealer, a plurality of player positions, a translucent planar window with a light source (see figure 1 and [0023]. Flannery, fails to teach that his light window extends around the game table. It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the light source anywhere desired or expedient on the table. Such would be considered a design issue and would present little or no difficulty to one of ordinary skill.

Regarding claims 3, 5, 26, 28 & 29

Flannery fails to explicitly teach a trough. Shaw discloses a Compact LCD Luminaire. Shaw teaches a trough for accommodating his light source that is

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beneath the surface on the outer edge. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flannery to include a trough to provide uniform lighting.

Shaw fails to teach that his mesa is oval shaped. It would have been obvious to one of ordinary skill in the art to make the table whatever shape desired or expedient. Such would be a design issue. Mere change in shape would present little or no difficulty to one skilled in the art.

Regarding claim 25

Examiner takes official notice that game tables are known to have rigid plates extending around them with pads covered by various choices of desired materials.

Regarding claim 24

Examiner takes official notice that windows made of glass; Plexiglas and various types of reflective material(s) are known in the art. The use of a milk-colored Plexiglas would be a matter of design choice and would present little or no difficulty to one of ordinary skill in the art.

***Allowable Subject Matter***

Claims 7, 9-10 & 31-40 are allowed.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered.

Arguments with respect to claim 1 and its dependents have not been persuasive.

Arguments with respect to claims 31-40 have been persuasive.

and are moot in view of the aforementioned rejection.

Regarding independent claim 1, applicant argues that Flannery teaches a lighting system configured to light betting spaces only and it does not extend around the table. Examiner feels that although Flannery's lighting source does not extend around his table, given that the lighting concept is taught, it would have been an obvious matter of design choice to place the elements of light anywhere desired or expedient. Such would present little or no difficulty to one of ordinary skill in the art. Claim 1 remains rejected. Claims 3, 5, 11-13, 24-26 and 28-30 depend from claim 1. These claims are also rejected.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited to show the state of art with respect to features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Dolores R. Collins** whose telephone number is **(571) 272-4421**. The examiner can normally be reached on 8.00 A.M. - 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Eugene Kim** can be reached on **(571) 272-4463**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).



\*\*\*6/21/06



**EUGENE KIM**  
SUPERVISORY PATENT EXAMINER